

1 Jill Garcia, Esq.
2 Nevada Bar No.: 7805
2 jill.garcia@ogletree.com
3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
4 Wells Fargo Tower
5 3800 Howard Hughes Parkway, Suite 1500
5 Las Vegas, NV 89169
6 Telephone: 702.369.6800
6 Fax: 702.369.5694
7 *Attorneys for Defendant American Airlines, Inc.*

8
9
10 **UNITED STATES DISTRICT COURT**
11
12 **FOR THE DISTRICT OF NEVADA**

13 CHARITY MITCHELL,

14 Plaintiff,

15 vs.

16 U.S. AIRWAYS/AMERICAN AIRLINES,

17 Defendant.

18 Case No.: 2:15-cv-01921-JAD-PAL

19
20 **MOTION FOR EXTENSION OF**
21 **TIME FOR DEFENDANT**
22 **AMERICAN AIRLINES, INC. TO**
23 **ANSWER OR OTHERWISE**
24 **RESPOND TO PLAINTIFF'S**
25 **SECOND AMENDED COMPLAINT**
(FIRST REQUEST)

26 Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 6-1 of the Local Rules of Practice of
27 the United States District Court for the District of Nevada, Defendant American Airlines,
28 Inc. (“Defendant”)¹, seeks an extension of time, through and including April 28, 2017, in
which to answer or otherwise respond to Plaintiff’s Second Amended Complaint (“SAC”)

29 //

30 //

31
32
33
34
35
36 ¹ The Second Amended Complaint improperly names “U.S. Airways/American Airlines” as the
37 Defendant. Plaintiff’s employer was US Airways, Inc. However, on December 30, 2015, US
38 Airways, Inc. ceased to exist as a separate entity and merged into American Airlines, Inc. The
39 correct name of the Defendant is therefore American Airlines, Inc.

1 (ECF. No. 9). This is Defendant's first request for an extension of time. This Motion is
2 supported by the following Memorandum of Points and Authorities.

3 Dated this 12th day of April, 2017.
4

5 OGLETREE, DEAKINS, NASH, SMOAK
6 & STEWART, P.C.
7

8 /s/ Jill Garcia
9

10 Jill Garcia
11 Wells Fargo Tower
12 3800 Howard Hughes Parkway, Suite 1500
13 Las Vegas, NV 89169
14 Telephone: 702.369.6800
15 *Attorneys for Defendant American Airlines, Inc.*

16 **MEMORANDUM OF POINTS & AUTHORITIES**
17

18 Plaintiff filed her SAC on August 9, 2016, alleging disability discrimination and
19 retaliation claims under the Americans with Disabilities Act of 1990 ("ADA").
20

21 On March 16, 2017, Magistrate Judge Peggy Leen issued a Screening Order and
22 Report of Findings and Recommendation (ECF No. 10). Magistrate Leen permitted the
23 ADA and retaliation claims to proceed against the named Defendant, US
24 Airways/American Airlines, but recommended dismissing Plaintiff's claims against the
25 three individual employee Defendants as ADA claims are properly asserted against the
employer, not individual employees. The Court adopted the Report and Recommendation
on April 5, 2017, and dismissed the individually named Defendants with prejudice (ECF
No. 12).

26 At this time, Defendant is in the process of gathering and reviewing relevant
27 information to adequately respond to Plaintiff's SAC. However, Defendant requires
28

1 additional time to finish compiling and reviewing relevant information and to prepare a
2 response. Therefore, Defendant requests an additional two weeks (through and including
3 April 28, 2017) to answer or otherwise respond to the SAC. This is Defendant's first
4 request for an extension of time to respond to the SAC. This request is made in good faith
5 and will not cause undue prejudice to Plaintiff. Accordingly, Defendant's request for an
6 extension should be granted.
7

8 Dated this 12th day of April, 2017.
9

10
11 OGLETREE, DEAKINS, NASH, SMOAK &
12 STEWART, P.C.
13

14 /s/ Jill Garcia
15

16 Jill Garcia
17 Wells Fargo Tower
18 3800 Howard Hughes Parkway, Suite 1500
19 Las Vegas, NV 89169
20 Telephone: 702.369.6800
21 *Jill A. Seer*
22 *Attorneys for Defendant American Airlines, Inc.*
23

24 IT IS SO ORDERED.
25

26 *Jill A. Seer*
27 UNITED STATES MAGISTRATE JUDGE
28

29 DATED: April 14, 2017
30
31
32
33
34
35
36
37
38

CERTIFICATE OF SERVICE

2 I hereby certify that I electronically transmitted the foregoing **Motion For Extension Of**
3 **Time For Defendant American Airlines, Inc., To Answer Or Otherwise Respond To**
4 **Plaintiff's Second Amended Complaint (First Request)** to the Clerk's Office using the
5 CM/ECF System for filing and transmittal of a Notice of Electronic Filing.
6

I also hereby further certify that service of the foregoing **Motion For Extension Of Time For Defendant American Airlines, Inc., To Answer Or Otherwise Respond To Plaintiff's Second Amended Complaint (First Request)** was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to the following:

Charity Mitchell
1130 White Rock Road #112
El Dorado Hills, California 95762
Pro Per Plaintiff

DATED this 12th day of April, 2017.

/s/ Darhyl Kerr

An Employee Of Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.